

# Notice of Allowability

Application No.

09/730,221

Examiner

Joseph R. Maniwang

Applicant(s)

WALTON ET AL.

Art Unit

2144

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 03/27/06.
2. ☒ The allowed claim(s) is/are 1,3-19 and 21-27.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 20060612.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
WILLIAM C. VAUGHN, JR.  
PRIMARY EXAMINER

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Attorney Philip Lyren (Reg. No. 40,709) on 06/12/06.

3. The application has been amended as follows:

Claim 1:

A method for synchronizing a portion of cells of a configured set of cells to form a partition, comprising the steps of:

(a) reaching a first rendezvous state;

(b) delaying formation of the partition to allow other cells associated with said partition to reach said first rendezvous state until the earlier of:

(i) a predetermined time;

(ii) another cell of the portion of cells reaches the second rendezvous state; and

(iii) all cells of said configured set of cells reach the first rendezvous state;

and

Art Unit: 2144

(c) transitioning cells that reached the first rendezvous state to a second rendezvous state;

wherein cells of said portion determine which cells reached the second rendezvous state in order to exclude and include cells in the formation of the partition, and cells of said portion independently execute steps (a) through (c) in parallel.

Claim 2: (cancelled)

Claim 4:

The method of claim 2 1 further comprising the step of:  
constructing a global rendezvous set from constructed local rendezvous sets, wherein the global rendezvous set represents a logical intersection of said constructed local rendezvous sets.

Claim 12:

A cell for use in a multi partition computer system, wherein said cell comprises partition instructions utilized to join a partition, comprising:

a processor to execute said partition instructions utilized to join said partition;  
a firmware device to said partition instructions utilized to join said partition;  
code to set a register reflecting a first rendezvous state;  
code to delay partition formation operations after setting said register to reflect said first rendezvous state until the earliest of:

(i) a predetermined time;

(ii) another cell of the configured set of cells reaches the second rendezvous state; and

(iii) all cells of said configured set of cells reach the initial rendezvous state;

code to transition to a second rendezvous state after delaying partition formation operations; and

code to determine whether other cells also transitioned to the second rendezvous state to exclude and include cells in order to form the partition.

Claim 20: (cancelled)

***Allowable Subject Matter***

4. Claims 1, 3-19, and 21-27 are allowed.

5. The following is an examiner's statement of reasons for allowance:

6. The closest prior art is Kleinsorge et al. (U.S. Pat. No. 6,226,734), hereinafter referred to as Kleinsorge. Kleinsorge disclosed a method and system comprising (a) reaching a first rendezvous state (see column 32, lines 17-25); (b) delaying to allow other cells associated with said partition to reach said initial rendezvous state (see column 32, lines 17-25); and (c) transitioning to a second rendezvous state (see column 32, lines 17-25); wherein cells of said portion independently execute steps (a) through

Art Unit: 2144

(c) in parallel (see column 29, lines 44-53). Kleinsorge further disclosed a processor and a firmware device as claimed (see column 11, lines 33-46).

7. The prior art references of record do not teach alone or in combination all the limitations together within the independent claims 1, 12, and 21. For example, the independent claims contain the limitation of delaying formation of the partition until the earlier of a predetermined time, another cell of the portion of cells reaches the second rendezvous state, and all cells of said configured set of cells reach the first rendezvous state. Kleinsorge teaches an automatic migration policy for moving a CPU into a partition, but does not teach the three separate elements when a cell transitions to the partition formation state as claimed. Therefore, the independent claims 1, 12, and 21 have allowable subject matter and are allowable over the prior art of record. The dependent claims of these claims are also allowable.

8. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

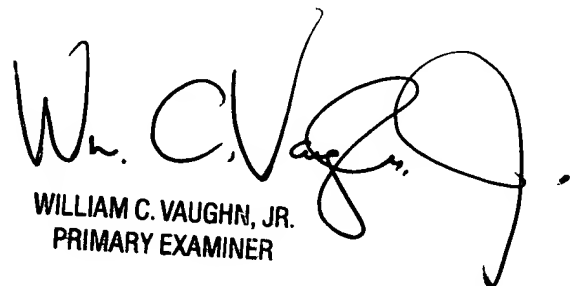
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph R. Maniwang whose telephone number is (571) 272-3928. The examiner can normally be reached on Mon-Fri 8:00-4:30.

Art Unit: 2144

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William C. Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JM

  
WILLIAM C. VAUGHN, JR.  
PRIMARY EXAMINER